

## WORKFORCE DEVELOPMENT DEPARTMENT[871]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 96.11, the Director of the Workforce Development Department hereby gives Notice of Intended Action to amend Chapter 26, “Contested Case Proceedings,” Iowa Administrative Code.

These amendments will allow parties to file unemployment insurance appeals online using a form that will be available on the Iowa Workforce Development Web site.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on November 5, 2013, a public hearing will be held on November 6, 2013, at 1:30 p.m. in the Stanley Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments.

The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons not later than November 5, 2013, to Joseph Bervid, Workforce Development Department, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [joseph.bervid@iwd.iowa.gov](mailto:joseph.bervid@iwd.iowa.gov).

The Workforce Development Department does not intend to grant waivers under the provisions of these rules, other than as may be allowed under the Department’s general rules regarding waivers found at 871—Chapter 41.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 96.6(3) and 96.7(4) and chapter 17A.

The following amendments are proposed.

ITEM 1. Amend rule 871—26.4(17A,96) as follows:

#### **871—26.4(17A,96) Commencement of unemployment benefits contested case.**

**26.4(1)** An unemployment benefits contested case is commenced with the filing, by mail, facsimile, online or in person, of a written appeal by a party with the appeals ~~section~~ bureau of the department. The appeal shall be addressed or delivered to: Appeals ~~Section~~ Bureau, Department of Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. An online appeal is filed by completing and submitting an online appeal form available on the Iowa workforce development Web site.

**26.4(2)** An appeal from an initial decision concerning the allowance or denial of benefits shall be filed, by mail, facsimile, online, or in person, not later than ten calendar days, as determined by the postmark or the date stamp, after the decision was mailed to the party at its last-known address and shall state the following:

- a. The name, address and social security number of the claimant;
- b. A reference to the decision from which appeal is taken; and
- c. The grounds upon which the appeal is based.

**26.4(3) and 26.4(4)** No change.

**26.4(5)** Appeals transmitted by facsimile or online which are received by the appeals ~~section~~ bureau after 11:59 p.m. Central time shall be deemed filed as of the next regular business day.

ITEM 2. Amend rule 871—26.5(17A,96) as follows:

**871—26.5(17A,96) Commencement of employer liability contested case.**

**26.5(1)** An employer liability contested case is commenced with the filing of a written appeal with the ~~section~~ bureau of the department by mail, facsimile, online, or in person. The appeal shall be addressed or delivered to: Appeals ~~Section~~ Bureau, Department of Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. An online appeal is filed by completing and submitting an online appeal form available on the Iowa workforce development Web site.

**26.5(2)** An appeal from a decision of the tax section of the department concerning employer status and liability, assessments, contribution (tax) rate, successorship, workers' status, and all questions regarding coverage of a worker or group of workers shall be filed, by mail, facsimile, online, or in person, not later than 30 calendar days, as determined by the postmark or the date stamp, after the decision was mailed to the party at its last-known address and shall set forth the following:

- a. The name, address, and Iowa employer account number of the employer;
- b. The name and title of the person filing the appeal;
- c. A reference to the decision from which the appeal is taken; and
- d. The grounds upon which the appeal is based.

**26.5(3)** Appeals transmitted by facsimile or online which are received by the appeals ~~section~~ bureau after 11:59 p.m. Central time shall be deemed filed as of the next regular business day.

ITEM 3. Strike "appeals section" wherever it appears in rules **871—26.6(17A,96)**, **871—26.9(17A,96)** and **871—26.12(17A,96)** and insert "appeals bureau" in lieu thereof.